

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 23 AM 11:25

UNITED STATES OF AMERICA,) Magistrate Docket No. **'08 MJ 0200**

Plaintiff,

) **COMPLAINT FOR VIOLATION OF:** DEPUTY

v.

) Title 8, U.S.C., Section 1326

Jesus Alberto GARCIA-Garcia,

) Deported Alien Found in the

) United States

Defendant

)

)

The undersigned complainant, being duly sworn, states:

On or about **January 22, 2008** within the Southern District of California, defendant, **Jesus Alberto GARCIA-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF January 2008.


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus Alberto GARCIA-Garcia

PROBABLE CAUSE STATEMENT

On January 22, 2008, at approximately 4:15 A. M., Senior Patrol Agent Rogel responded to a seismic sensor activation reported by Border Patrol dispatch. This area is located approximately seven miles east and two miles north of the Tecate, California Port of Entry. Upon arriving at the areas's location, Agent Rogel observed seven subjects walking north. Approximately two minutes later, Agent Rogel encountered the group of seven walking on the same trail he was standing on. One of the subjects later identified as the defendant **GARCIA-Garcia, Jesus Alberto** started running north away from the group. After a brief foot pursuit, Agent Rogel caught up to the subject and detained him. Agent Rogel identified himself as a Border Patrol Agent and questioned GARCIA regarding his citizenship and nationality. GARCIA stated that he was a citizen and national of Mexico. GARCIA further stated that he did not have any immigration documents to be or remain in the United States legally. Agent Rogel placed GARCIA under arrest at approximately 4:20 A.M., and secured him in a marked Border Patrol unit. Agent Rogel then walked back to the area where the other six subjects had been initially encountered. Agent Rogel identified himself as a Border Patrol Agent and questioned all subjects individually regarding their citizenship and nationality. Each subject said that they were from Mexico and that they did not have any immigration documents allowing them to be or remain here legally. The other six were subsequently placed under arrest and transported along with GARCIA to the Tecate, California Border Patrol Processing Center for routine processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 4, 2004** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.